

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Karen L. Thurston, Esq.
Feinstein, Raiss, Kelin, Booker & Goldstein, LLC
290 W. Mt. Pleasant Ave., Suite 1340
Livingston, NJ 07039
(973) 324-5400
Attorneys for Creditor, Myrage, LLC c/o Atlantic
Management

In Re:

Hollister Construction Services, LLC

Case No.: 19-27439

Chapter: Chapter-11

Hearing Date: January 23, 2020

Judge: Michael B. Kaplan

**NOTICE OF MOTION
FOR RELIEF FROM THE AUTOMATIC STAY**

Myrage, LLC c/o Atlantic Management, the debtor's landlord, has filed papers with the court requesting relief from the automatic stay in order to initiate or resume an action in the state court of New Jersey for possession of the premises rented by the debtor(s) located at:

2 Jones Street, Jersey City, New Jersey 07306.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date.

Hearing Date: January 23, 2020

Hearing Time: 10:00AM

Hearing Location: 402 East State Street
Trenton, NJ 08608

Courtroom Number: Courtroom #8

If you mail your response to the clerk for filing, you must mail it early enough so the court will receive it on or before 7 days prior to the hearing date.

You must also mail a copy of your response to:

Karen L. Thurston

Attorney for Creditor / Landlord

Feinstein, Raiss, Kelin, Booker & Goldstein, LLC

290 W. Mt. Pleasant Ave., Suite 1340

Livingston, NJ 07039

If you, or your attorney, do not take the steps outlined above, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date:

12/31/19

Karen L. Thurston
Karen L. Thurston, Esq.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Karen L. Thurston, Esq.
Feinstein, Raiss, Kelin, Booker & Goldstein, LLC
290 W. Mt. Pleasant Ave., Suite 1340
Livingston, NJ 07039
(973) 324-5400
Attorneys for Creditor, Myrage, LLC c/o Atlantic
Management

In Re:

Hollister Construction Services, LLC

Case No.: 19-27439

Chapter: Chapter 11

Hearing Date: January 23, 2020

Judge: Michael B. Kaplan

**CERTIFICATION OF LANDLORD IN SUPPORT
OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

I, Meier Rosenberg, Property Manager for Myrage, LLC c/o Atlantic Management, submit this Certification in support of the Motion for Relief from the Automatic Stay.

1. I am fully familiar with the Debtor's rental payment history because I am the manager of the property rented by the Debtor.
2. The property is located at 2 Jones Street, Jersey City, New Jersey 07306.
3. The Debtor filed for bankruptcy on September 11, 2019.
4. Pre-petition *[check one]*:
 - ☐ I started an eviction action in the New Jersey state court and a copy of the complaint is attached as Exhibit A, or
 - ☒ I did not start an eviction action.

5. Pre-petition *[check one]*:

- ☐ I obtained a Judgment for Possession and a copy of the Judgment is attached as Exhibit B, or
- ☒ I did not obtain a Judgment for Possession

6. I am seeking relief from the automatic stay to *[check all that apply]*:

- ☐ enforce the Judgment of Possession;
- ☒ pursue my state court rights because of the debtor's nonpayment of rent;
- ☐ pursue my state court rights because of debtor's endangerment of the property in the 30 days before the petition date *[explain below]*

- ☐ pursue my state court rights because the debtor illegally used, or allowed to be used, controlled substances on the property in the thirty (30) days before the petition date *[explain below]*

- ☐ other *[explain]* _____

7. The amount of the Debtor's monthly rental payment is \$1000.00.

8. Pre-petition, the Debtor owed \$200.00 in rent.

9. The Debtor's post-petition payment history is as follows:


	Amount Due	Payment Due Date	Date Payment Received	Amount Received	How Payment Was Applied
1	\$1000.00 rent	10/1/19			
2	\$ 50.00 late	10/18/19			
3	\$1000.00 rent	11/1/19			
4	\$ 50.00 late	11/18/19			

5	\$1000.00 rent	12/1/19			
6	\$ 50.00 late	12/18/19			

10. Post-petition, the Debtor owes \$3150.00, which represents rent and late fees for October 2019, November 2019 and December 2019.
11. The Debtor's failure to pay rent is cause for relief from the automatic stay.
12. Additionally, the court's December 12, 2019 Order indicates that the Debtor is rejecting the lease for the office space located at 2 Jones Street, Jersey City, New Jersey, 07306.
13. Through this motion, I request relief from the automatic stay so I may initiate or continue an action in the state court to remove debtor from the rented premises.

I certify under penalty of perjury that the above is true.

Date: 12/30/19


Meier Rosenberg

Caption in Compliance with D.N.J. LBR 9004-1(b)

Karen L. Thurston, Esq.
Feinstein, Raiss, Kelin, Booker & Goldstein, LLC
290 W. Mt. Pleasant Ave., Suite 1340
Livingston, NJ 07039
(973) 324-5400
Attorneys for Creditor, Myrage, LLC c/o Atlantic
Management

In Re:

Hollister Construction Services, LLC

Case No.: 19-27439

Chapter: Chapter 11

Hearing Date: January 23, 2020

Judge: Michael B. Kaplan

STATEMENT AS TO WHY NO BRIEF IS NECESSARY

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the court's consideration of this motion, as it does not involve complex issues of law.

Date: 12/31/19

Karen L. Thurston
Karen L. Thurston, Esq.

Caption in Compliance with D.N.J. LBR 9004-1(b)

Karen L. Thurston, Esq.
Feinstein, Raiss, Kelin, Booker & Goldstein, LLC
290 W. Mt. Pleasant Ave., Suite 1340
Livingston, NJ 07039
(973) 324-5400
Attorneys for Creditor, Myrage, LLC c/o Atlantic
Management

In Re:

Hollister Construction Services, LLC

Case No.: 19-27439

Chapter: Chapter 11

Hearing Date: January 23, 2020

Judge: Michael B. Kaplan

CERTIFICATION OF SERVICE

1. I, Karen L. Thurston:

☒ represent Myrage, LLC c/o Atlantic Management, the landlord in this matter.

☐ am the secretary/paralegal for _____, who represents
_____, the landlord in this matter.

☐ am the landlord in this case and am representing myself.

2. On December 31, 2019, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below.

☒ Notice of Motion for Relief from the Automatic Stay

☒ Certification of Landlord in Support of Motion for Relief from the Automatic Stay

☒ Statement as to Why No Brief is Necessary

☒ Proposed Order Granting Motion for Relief from the Stay

☐ Other [Explain] _____

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: 12/31/19

Karen L. Thurston
Karen L. Thurston, Esq.

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Hollister Construction Services, LLC 2 Jones Street Jersey City, NJ 07306	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input checked="" type="checkbox"/> Certified mail/Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
Kenneth A. Rosen Lowenstein Sandler LLP One Lowenstein Drive Roseland, NJ 07068	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Electronically

Caption in Compliance with D.N.J. LBR 9004-1(b)

Karen L. Thurston, Esq.
Feinstein, Raiss, Kelin, Booker & Goldstein, LLC
290 W. Mt. Pleasant Ave., Suite 1340
Livingston, NJ 07039
(973) 324-5400
Attorneys for Creditor, Myrage , LLC c/o Atlantic
Management

In Re:

Hollister Construction Services, LLC

Case No.: 19-27439

Chapter: Chapter 11

Hearing Date: January 23, 2020

Judge: Michael B. Kaplan

ORDER GRANTING MOTION FOR RELIEF FROM THE STAY

The relief set forth on the following page is **ORDERED**.

The Court having reviewed the movant's Motion for Relief from the Automatic Stay, and any related responses or objections, it is hereby

ORDERED that:

1. The automatic stay is vacated to permit the landlord to initiate or resume an action in the state court of New Jersey for possession of the debtor's rented premises located at:

2 Jones Street, Jersey City, NJ 07306.

2. The landlord shall serve a copy of this order on the debtor, debtor's attorney, if any, the Office of the U. S. Trustee and any trustee appointed in this case, and any other party who entered an appearance on the motion.

3. Other: _____

